G. F. 964

Revenue

G. R. S. IX-5]

Previous references.

L.O. 2994.

1897-98

~~192~~

(L.R)

File No. 120 797.

Serial Nos 1 to 3.

Later references.

L.R. 5793-40(1-3)

L.R. 5793 40(4 9)

L. 5780-44-1-2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. to 3

In ~~Part~~ B for July 1898.

SUBJECT.

Appeal of J. Krishna Rao of Bangalore regarding the Shanbhogi service lands of Kyatanur, Kolar Taluk

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Continued

Before the Government of Mysore.

Appeal No. 2280 of 1897-98.

Appellant. Vs. ~~Respondent.~~

J. Krishna Rao
of Bangalore.

Appeal against the order of the Dy Commr of Kolar stating that the Rayamyattaru should be left in possession of the seven Inam lands attached to the Shanbhogi of Jadi Kyalamari Kolar Taluk.

Posted to the 28th inst.

By 23/4/98

Can be heard before the Commissr
(H.H. (= 2 RC = D)
order D be drafted

By 25/6/98

Remarks by the Rev. Councillor
E. Du.

Mr. Nkayarafa Lyer
will please see me with
these papers tomorrow
between 4 & 6 P.M.
29-5-98

Notice to be given to Pet-r
for case to be posted by
Tuesday 28th inst. please
29/5/98

Pet-r No 2280 of 1897-98

1) Stamps sufficient

2) Not out of time by about 4 years & 6 months - considering as an appeal from Chief's order. Pet-r states that he came to know of the order only in August 1895 (vide para 6 of his pet-n). Even then the appeal is out of time by more than 2 years. Note it will be shown below that the order really appealed against is the Govt order No 6744-5 S.20/1/87 (Jeval No 191) 28 of Rev File No 65 of 1894).

3) Appeal against Dy Comm-r's order stating that the Kayama Suttadar should be left in possession of the Shambogi lands as he had been long in possn of the same

4) Counsel case

= The two pls put up = Pet-n No 362 of 1895 & Rev File No 69 of 1894 with the records in each case

show that when in 1885 the
Minister of Police decreed the
Lands in question to the Kayam-
pattadan Appa/ia as against
Puttanna (the Thandapoque ah
the time but subsequently the
Thandapi gumastha) the Govt
resumed the Lands & forthy
asserted them.
In the subsequent orders the
resumption was said to be
of the Inam tenure & not of the
Possession.
When the Dy Comr reserved
Sno 3 out of the Lands, as a topee,
the Kayampattadar brought
a suit against the Dy Comr.
who referred the matter to Govt
Thereupon Govt (Dewan & the
2nd Councillor) observed that
the Dy Comr's action in
ousting the Kayampattadar
from the hill of Sno 3 was
unjustifiable & directed the
Dy Comr to compromise the case

4

Shan so far as regards the Kayarapattadar

As regards Puttanna (who was the au hope from 1881 to 1886 & Shan hope-gumasta from 1886) it may be noted that in Petr's nos 1933 of 90-94 & 12 subsequent Petns he prayed that the lease lands should be taken back from the Kayarpattadar and given to him & Govt decided that all that the Petr was entitled to was the receipt - in Compensation with the respondent (Petr's Krishna Rao) - of the respondent's claim on the lands granted to the Govt. (Genl no 26 in Petr's no 36 of 1895)

= As regards the Petr himself it may be noted that in Petr's no 2712 of 31/1/96 (Genl no 21 in Petr F no 36 of 1895), he

Prayed for the transfer of the
Service Inam lands to him
But by some oversight the
Still remains without order,
having been submitted together
with the Dy Comr's report No 3823/1012

5 1/4/96

= In the last para of the petn
now presented, petr agrees to
pay ~~Kandayam~~ the full
assessment. All matters
wants is to see the Kayamgutadar
dispossessed

= Petr is ~~not~~ represented by
advocate & objects the
duties by a deputy ie Subhanna
referred to above. This is
opposed by the so called
Kayamgutadar in November 1896 thereby
that all registered Inam Holds,
when there is no disqualification, discharge their duties personally
& when they are unable to
discharge the duties personally,
resign the office in favour
of the next of kin
To this a Resolution must
also be recorded the petr's
astonishing ignorance

of the previous history of
the question. The petitioner
was discussed from the
Shem Inquiries in
1880 & the petition was
was registered as number
in 1886. The records relating
to them are not forthcoming
in the usual
records.

Sub'd to 3rd Councillor
(with 2 pets)
6/4/98

7

1896-97

GOVERNMENT OF MYSORE

REVENUE

PROCEEDINGS

Dated 1*st November* 1896

No. 4087-94 .
R. 1406

Observing in the case of Lakshminarasappa, the baravardar shanbhog of Nandanahosaballi and four other villages in the Sidlaghatta taluk, now a clerk in the Bangalore Sub-Registrar's office, that a baravardar shanbhog cannot both be in Government service and continue to be the registered shanbhog getting the duties of the office performed by a gumastah.

M.G.C.P.B.—16-11-96—129

Proceedings of the Government of Mysore, Revenue, dated 1st November 1896.

READ :—

Correspondence ending with letter No. 907--219, dated 19 h August 1896, from the Deputy Commissioner, Kolar district, on the subject of the shanbhog office of Nandanahosahalli and four other villages in the Sidlaghatta taluk.

No. 4087-94—R. 1406, DATED, BANGALORE, 1ST NOVEMBER 1896.

ORDER THEREON.—The papers submitted by the Deputy Commissioner show that Lakshminarasappa, the baravardar shanbhog, has been in Government service since February 1873, and that he became the registered shanbhog of the villages in question in 1884. Since then the duties of the shanbhog office are being performed by gumastas appointed by Lakshminarasappa from time to time. He now requests that his brother Krishnappa, who is the registered shanbhog of certain other villages, may be appointed to officiate for him as gumasta. The Deputy Commissisoner, in soliciting instructions as to whether Lakshminarasappa, who is now a clerk in the Bangalore Sub-Registrar's office, should be required to perform the duty himself or a competent gumasta nominated by him may be permitted to discharge the shanbhog duties, points out that the provisions contained in the Revenue Rules do not seem to contemplate cases of this kind.

2. Government observe that the registry of the name of a person as an officiator shanbhog is not an honorary distinction. The right to a shanbhogi office is inseparable from the efficient discharge of duties connected therewith; the only exception allowed by para 5 of Section XLIII of the Mysore Land Revenue Rules being in the case of widows or minors on whose behalf gumastas may be appointed. The officiator shanbhog in the present case has no such disability, and he cannot, being a registered shanbhog, be permitted to absent himself for employment elsewhere. He should therefore be called upon to elect the one or the other. If he prefers to remain in Government service elsewhere, he should resign his *hak* to the shanbhog office in favor of his next of kin.

3. The Deputy Commissioner is requested to give effect to the above orders.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Kolar district, returning the enclosures.
The Deputy Commissioners of other districts for information and guidance.

Exd.—H.A.R.

Rifles

15/3/98

17

To

General Records.

for reference

L. R. 1/20-971

Vers

6/3/98

Please see [illegible]

No 3025 PLS 17/3/98

17-3-98

(1) Please see Local Rec 16 Vol 24 Folio 36 affg for Order No 1074 & 1076 & 1077

(2) 94 Para 12 of the Income Tax Act for Order No 1888 & 1271

18/3/98

Filed in the original papers to which they related and will not be further used

1898

No. 2200

Name of Petitioner J. Louis Lisk Ras advocate

Village No 2 Lal Bagh Road

Taluk Bangalore

District

Date of Arzi 8-3-98

Date of Receipt 8-3-98

Date of Disposal

No. of Enclosures four

ABSTRACT

Appeal against order of Local Court, Order of 19th May 1897 dated 20th June 93, directing that the service tenure attached to the Chowbagi of Kyalasandra should be fully accepted and taken into account and Kempegowda appointed Chowbagi, as he had been in possession undisputedly much of the time from many years

Memoranda as follows

(Transfer of Local Court office to Head of State Court)

Affidavit a long exception

lance on the complaint
of the that the complainant
Appaiah had been in
wrongful possession and
enjoyment of the lands
lands since 1878-79
was decided by Court in
Pro: No 6888 dated 7-12-87 that
the lands should be removed
from the Register of Inams and
confirmed in the name of
Appaiah on full assessment
and that after the Survey of the
lands the amount as assessed
by the S. Deptt should be
received from Appaiah.
the Survey has been finished
and the records have been sent
for final Survey jamabandi.
It is not possible to decide
the possession of Appaiah of
the lands. Therefore the lands
should be confirmed in his
name and the final survey and
assessment by the Survey Deptt should
be received from him from
the date of settlement. Also for
the assessment for the past years
the amount as mentioned in
old records should be received
from the period from the date
on which the complainant
entered the lands. Besides

the he

11

he is bound accordingly by the Rules to pay interest on the amount due, from the date of the order of Court.

It has been held by Court Rec: in Rc 1074/46 dated 17-4-1886 that Pillappa who is doing the Shanbhog work of Byalahalli is no holder for the Shanbhogi - Therefore no orders could be passed conformably, which might be informed accordingly.

In the reference of Jungamakeri Ramappa that his Krishnaraya should be registered as holder for the Shanbhogi appears it is observed that the matter is such that the said Krishnaraya should appear in person or by pleader and establish his title if any.

A detailed report (as to what happened and what final orders were passed after the receipt of this office Memo to the Dy Rc 137 of 16.5.86 issued in accordance with the Court Rec: Rc 1074/46 dated 17.4.1886 - should the Subd

the grounds of appeal and
the appeal petn are in order

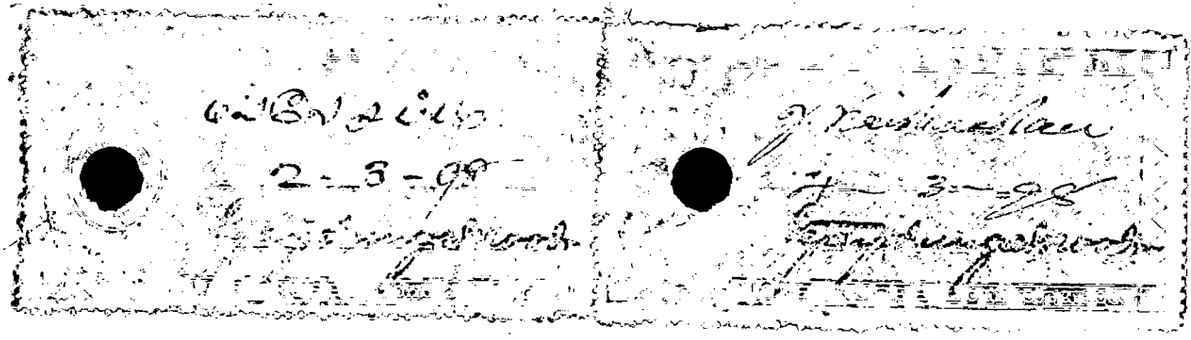
H

15.3.98.

(Mr Forrester
S.C. for Pet. 12.3.98,

Petr submits that the
grounding pleadings were
incompetent & simply because
he was in unlawful possession
of the same for a long time
is illegal and prays
for grounding the said land
therein (the Kukeda Shamba).
on the same terms as
were given to the

H



2 M. Stamps affixed
Mf.

To 13 2280

The Government of Mysore
at Bangalore

The humble petition of J. Krishna Rao and Peon residing at Lalbagh Road Bangalore City.

Respectfully Sheweth:

That the petitioner is the Registered holder of the office of Shanbogue of Kyalasanahalli Taluk, Kolar district as per Order of the Deputy Commissioner of Kolar district Dated 7th July 1886 (as per Encl. 7.)

2. That Since then, Petitioner's Executive Puttayya has been doing the duties of the said office as Specified in the above order.

3. That the Petitioner now most respectfully humbly begs to appeal to the Government of Mysore against the following order of the Deputy Commissioner Kolar district, dated 20th June 1893, and contained in the enclosed copy filed herewith and marked with the letter A.

4. That the Order of the Deputy Commissioner against which the Petitioner begs to appeal is to the following effect:—

[illegible]

[illegible]

5. That the Petitioner respectfully begs to submit that the above Order of the Deputy Commissioner was passed without Petitioner's knowledge and materially affects Petitioner's right to the said land, and is opposed to the proceedings of the 9th August 1895.

6. That the Petitioner came to know of the said Order only when he applied for and obtained the certified copy marked A, in August 1895.

7. That ever since Petitioner was registered as the Shanbogue in 1886, he has been petitioning numberless times to the Deputy Commissioner Kolar District for the grant of a Patta in his name for the Service Inam land referred to in the said order and in Exhibits A to G, but does not receive any endorsement or reply to his numerous petitions

8. That the Petitioner begs to submit that the land referred to in the said order were Service Inam Land attached to the Shanboguee office of Kyalnoor and were ordered by Government to be [illegible] and

and removed from the Court of the
Kongeneedoo as (Vide Exhibits A. B. C & G.)

9. That the said land had been
misappropriated from a long time by the
Kongeneedoo or Appajies, who had no right
or title to them (Vide Ex B).

10. That the Treasury Assistant
Commissioner in his order dated 22nd June 1892
(Vide Exhibit B) has directed this matter and held
that the Kongeneedoo should be deprived of those
lands agreeably to Government Proceedings (Vide
Exhibit C) Commr in his order of 1st June 93 (Vide Ex C).

11 That the Petitioner most
respectfully begs to refer the Government
to Exhibits B, C, D, E & F & G, filed herewith, from
which it will be plain that the Kongeneedoo
has no right to get or retain the said lands
and that the person really entitled to them
is the Shanbogue of Kyalooor

12 That the Petitioner begs to
Submit that in the face of the Proceedings
of the Government of Mysore referred to in the
accompanying Exhibits B to D and in the face
of orders of preceding Government officers
and more especially in view of the circumstances
stated in Exhibit B, the order of the Deputy
Commissioner

Commissioner, Kolar District dated the
20th June 1893 and confirmed in Exhibit A,
is utterly illegal, and without and beyond
the authority of the Petitioner, or is inconsistent
with the same (Comm's Order Rpt. June 93 (Vide Ex C)

13. That the Petitioner
submits that when once it has been held
that the Rajah was wrongfully
in possession of the said lands, it
is opposed to order of the Government,
and utterly illegal for the Deputy
Commissioner to say that because
a wrongdoer has been in wrongfull
possession of certain lands, it is difficult
to remove him from those lands merely
because of his long existing wrongful possession &
that therefore he only should be left in
possession of them, even though he has
not a shadow of right or title to them.

14 That as the Petitioner
is the Registered holder of the Shanbogue
office of Kyalu and that as the said
lands were attached to the said Shanbogue
office as Service Inam lands from time
immemorial the Petitioner begs respectfully
to submit that he as Shanbogue is to the person
prima facie entitled & is there[illegible] that

the

the Government should give the same
law to Petitioner for Kaveri now on the
same terms as the Deputy Commissioner
proposed in the Kayenguttes under which
proposed ~~to~~ was given to the Petitioner
the Kayenguttes as in his order of 20th
June 1893 which contradicts his own order of 1st June 1893.
(vide 3 & 4 & 6)

Wherefore the Petitioner most
humbly and respectfully prays that the
Government will be pleased under the circumstances
above set forth and after a perusal of
the Exhibits filed herein, to cancel the "Order"
of the Deputy Commissioner contained in
Exhibit A, and to direct that the Lands referred
to therein be given on the same terms to
Petitioner who is prepared to pay to
Government the Kist of Kayam fixed and
who is legally and equitably entitled to
them in preference to the Kayenguttes as.

And for which act of justice
Petitioner shall ever as in duty bound
remain
the most obedient humble Servant
of the Government of
Mysore

J. Krishna Rau

2 Lalbagh Road
Bangalore
8-3-1898

(31) 18 Nov Draft

Proc of Rev & Mysore

L R. 120-97-2

Read
Pet no 2280 dt 3/7/97
from ~~W~~ Krishna Rao
Kirkolar Shanbog of Kaggunte
Kyalnur, Kolar taluk
complaining of the encroachment
of the River bed Sarkar
Inam land by the Kaggun-
Gattadar and praying
for their resumption from
the Kaggungattadar & restoration
to the pet[r]

Draft for approval
Sub to Rev C[r] 4/8
11/8/97

Read again
(1) Govt Proc no 6744-5 dt 191
20/1/87
(2) Govt Proc Camp no 1828-9
dt 16/11/87
(3) Govt Proc no 6888 dt 271
7/12/89
(4) Govt Proc no 23737 dt 20/6/95
RF 68-94
(5) Govt Proc no 4769 dt 26/11/96
PF 36-95

Coll. Martin No 494
2736-95 3187-95
The lands in question have
been in the possession and
enjoyment of the Kayim
Sultan from the Zemi
1878-79, when the Mayor
ion purchased by him in
a revenue sale, and in
consideration of this
fact were confirmed to
him on full assessment
in 1887

In then prov no 23737 of
RF 68-94
20/6/95 the govt cancelled the
by Comm's order reserving
a portion of the lands as a
Govt topo and reaffirmed
their order of 1887
On the application of Puttanna,
the pet's guardian, for
payment of remuneration
for discharge of Shanbog duty,
the govt in their prov no

20

4769 of 26/11/96 directed
PF-36-95
that the assessment on
the lands minus the Govt
shall be paid to the
pet^r & his grievance
under these circumstances
the pet^r has no grievance
and his pet^n is
rejected.

Surveyor
8/7/95

In Dy Comm v Keller for information
Encl- 5 pet^r with letters
of the above

approved
9/7/98

12-7-98 xx
Encl^d 5 pet^r with
letters dt 13/7/95 9295

15.7.98

Received
14-7-98
Draftsman

15/7/98

L.R. 120-97-3

4769
PF. 3695

"Recorded"

Illegible